



Docket No.: 60188-407

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Akihiko ISHIBASHI et al.

Serial No.: 09/692,211

Group Art Unit: 2812

Filed: October 20, 2000

Examiner: S. MULPURI

For: METHOD OF FABRICATING NITRIDE SEMICONDUCTOR DEVICE

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents
Washington, DC 20231

Sir:

We, Akihiko Ishibashi, Isao Kidoguchi, Kenji Harafuji and Yuzaburo Ban hereby declare that:

1. We are the inventors of the invention disclosed and claimed in the above-identified United States patent application.

2. We are aware of the prosecution history of this application which was filed in the U.S. Patent and Trademark Office on October 20, 2000. We are also aware that the application is under rejection on various grounds, including a rejection under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2002/0022290 A1 to Kong et al., which is a continuation of U.S. Patent Application No. 09/679,799 (the '799 application). The '799 application was filed on October 5, 2000, and claims priority to Provisional Application No. 60/159,299 filed on October 14, 1999. The application is

RECEIVED
OCT 12 2003
TECHNICAL STAFF 2800

09/692,211

also under rejection under 35 U.S.C. § 103 as being obvious over Kong et al. in view of U.S. Patent No. 5,290,393 to Nakamura.

3. To our knowledge and in view of the factual evidence supplied herewith, the present invention was conceived in Japan (a WTO country) prior to October 14, 1999, which is the earliest possible effective filing date of the Kong reference. This fact is evidenced by the attached draft Japanese patent application, corresponding to the above-identified application, which was submitted to the IP division of Matsushita Electric Industrial Co. Ltd. (MEI), the assignee herein, prior to the earliest possible effective filing date of Kong, which is October 14, 1999. Exhibit A attached hereto is a copy of the Draft Japanese patent application provided to the IP division of MEI. Due diligence was exercised from prior to Kong's earliest possible filing date of October 14, 1999 to the filing date of the present application on October 20, 2000.

4. Exhibit B is a certified translation of the draft Japanese patent application contained in Exhibit A. As is clear from a review of the documents, the Japanese patent application contained in Exhibit A corresponds to the present patent application.

5. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

09/692,211

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statement may jeopardize the validity of the application or any patent issuing thereon.

August 21, 2003
Date

Akihiko Ishibashi
Akihiko Ishibashi

August 21, 2003
Date

Isao Kidoguchi
Isao Kidoguchi

August 21, 2003
Date

Kenji Harafuji
Kenji Harafuji

August 21, 2003
Date

Yuzaburo Ban
Yuzaburo Ban